

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
Fourth Quarterly Meeting, Fiscal Year 2004

Meeting Date: August 19, 2004
Meeting No.: 61

Place: TCEQ Campus, Building F
Room: 2210

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MEETING ATTENDANCE

TGPC Members

Affiliation

Mary Ambrose	TCEQ
Janie Hopkins	TWDB
Leslie Savage	RCT
Ambrose Charles	TDA
Lee Parham	TDLR
Allan Jones	TAES
Kevin Wagner	TSSWCB
Barry Miller	TAGD
Ken Ofunrein	TDH
Bridget Scanlon	BEG

Agency Staff

Affiliation

Program

Cary Betz	TCEQ	Technical Analysis Division
Patricia Bobeck	TDH	
Leon Byrd	TCEQ	Technical Analysis Division
Abiy Berehe	TCEQ	Technical Analysis Division
Alan Cherepon	TCEQ	Technical Analysis Division
Richard Eyster	TDA	
Frank Fuller	TCEQ	Policy & Regulations
Thomas Helton	TSSWCB	
Katherine Hodgins	TCEQ	
Bruce Lesikar	TCE	
John Lich	TCEQ	Technical Analysis Division
Steve Musick	TCEQ	Technical Analysis Division
Greg Rogers	TCEQ	CPRR/WSD
John Williams	TCEQ	Environmental Law Division

Interested Parties

Affiliation

Ann Ardis	USGS
George Caldwell	Texas Farm Bureau
Theresa Canalez	TxDOT
Mary Etter	LCRA
Lynne Fahlquist	USGS
Ken Kramer	Sierra Club
Donna Long	DLS Technologies
Steve Walden	Consultant

MEETING HANDOUTS

1. Agenda
2. TGPC Record of Meeting, Third Quarter, FY2004
3. Agricultural Chemicals Subcommittee Report
4. Presentation materials - Overview of the TCEQ's Supplemental Environmental Projects
5. Legislative Report Subcommittee - Revised Time Line (5/27/2004)
6. Legislative Subcommittee Meeting Summary (7/8/2004)
7. Report to the 78th Legislature - Activities of the Texas Groundwater Protection Committee - Draft Table of Contents
8. TGPC Legislative Subcommittee Issues Overview - August 18, 2004
9. TGPC Rule Log Update on August 19, 2004

MEETING RECORD OF August 19, 2004

I. Call to Order and Introductions

Mary Ambrose, Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the FY2004, Fourth Quarterly Meeting to order at 1:03 P.M., CDT.

II. Subcommittee Reports

Agricultural Chemicals - Steve Musick, TCEQ, Chair. The Agricultural Chemicals Subcommittee held its FY 2004 fourth quarter meeting on August 19, 2004 at 10:18 a.m.

The members were updated on Task Force (TF) activities:

Site Selection - The TF Chairman (TWDB) reported that this year's sampling effort was underway in the High Plains (Ogallala) aquifer and in some minor aquifers. Over 450 samples have been analyzed by TCEQ for Atrazine and Metolachlor. Two Groundwater Conservation Districts are participating in the sampling.

Education - The TF Chairman (TCE) reported that the Atrazine BMP Outreach Project was underway with the development of educational materials.

The Subcommittee heard a presentation on diazinon detections in surface water and related EPA regulatory actions from TCEQ staff. EPA has required a cessation of diazinon production which is now in effect, and a buy back of distributed product by December 31, 2004.

Under the Subcommittee's Business items:

The Subcommittee discussed the need for any legislative recommendation regarding the subcommittee's work. No recommendations were identified.

Members were briefed on TCEQ responsibilities related to notices of groundwater contamination, including the status of H.B. 3030 process development. Members were updated on the status of the EPA Atrazine agreed order process (iRED). In addition to the participation of Syngenta (manufacturer), the remaining registrants have signed the EPA Agreed Order. Syngenta's monitoring of selected surface water sites shows only very low concentrations of atrazine. The Subcommittee heard announcements and there were no public comments.

Data Management - Lynne Fahlquist, USGS. The Data Management Subcommittee held three meetings in the third quarter of FY 2004. Topics of the meetings include May 13, 2004 analysis of nitrate occurrence in groundwater in Texas, May 27, 2004 review of proposed outline for the ambient groundwater network design report, and June 26, 2004, discussion of the Texas groundwater protection strategy and upcoming report to the

legislature.

A first draft of the ambient groundwater network design report was given to TCEQ and members of the Data Management Subcommittee.

Drew Decker (TWDB-TGIC representative) provided review comments to the Subcommittee regarding spatial data collection requirements in the Groundwater Data Dictionary.

Public Education and Outreach - Bruce Lesikar, TCE, Chair. Discussion of items from the April 29, 2004 meeting began with a brief status report by Bruce on the abandoned well closure project, which included development of a well-owner's guide and outreach plan for groundwater conservation districts (GCD), and development of an individual landowner guidance document and outreach plan.

Dr. Lesikar spoke about the outreach plan for the GCDs, noting that five well closure demonstrations are scheduled for FY 2005. For this initiative, outreach efforts will start with Lee Parham (TDLR), who agreed to contact local GCDs before the owners' guide is distributed. This training needs to be for field personnel and GCDs. Some training is available via continuing education for drillers, pump installers, and staff of the TDLR.

Dr. Lesikar provided an update on the proposed funding contract for the development of various educational and informational materials, events, demonstrations, etc., for which a contract is currently under development.

Ms. Ambrose spoke about the TGPC Report to the Legislature, which is due every two years, and provides information regarding activities and recommendations to protect groundwater. Does the subcommittee need to develop recommendations regarding areas in need of funding? TCE did this for the last report. A decision was made that the subcommittee needs to revisit this topic and rewrite recommendations.

Discussion then turned to the Action Plan for the Subcommittee. It was noted that the information on the new radionuclide constituents needs to be sent to the subcommittee members. This would include such items as - probable exposure routes, scenarios, etc. Dr. Lesikar will also work with Bob Brach (TCEQ) on updating permitting materials, use of greywater in suburban areas, and operation and maintenance materials.

Groundwater Research - Bridget Scanlon, BEG, Co-Chair. The Groundwater Research Subcommittee did not meet this quarter.

Nonpoint Source Task Force - Kevin Wagner, TSSWCB, chair. The NPS Task Force met on June 30, 2004. The Nonpoint Source Management Plan is near completion. TCEQ, TSSWCB and EPA met regarding changes to the plan. EPA had a number of suggestions which will be provided in writing to the TSSWCB and TCEQ. Once all EPA comments are addressed, the Management Plan will be resubmitted to the Stakeholder

Group for a final review and then will be made available for public comment. Kevin Wagner stated that EPA's primary concern was the flexibility of the milestones.

Copies of the Annual NPS Report were distributed for review. This document is produced every year alternately by the TCEQ and the TSSWCB. Two issues of interest discussed in the report are Atrazine issues and the removal of Aquilla Creek from the 303d list of impaired waters.

The group discussed updates to projects that agencies are handling that affect groundwater quality.

- The TSSWCB is involved in three 319 projects that affect groundwater: BMPs to reduce nitrates, well plugging in Santa Rosa Springs, and Seymour Aquifer education/demonstration to convert to drip irrigation in the area. There is a State Water Quality Management Plan (WQMP) program that helps landowners convert to a more efficient irrigation system.
- The TCEQ is assessing the Edwards Aquifer in conjunction with the USGS in Barton Springs, and conducting a nitrate study in the Ogallala and the Gulf Coast aquifers.
- The Refugio Groundwater Conservation District is developing policy to ensure the flow of artesian wells and has applied for grants to do recharge studies, plug abandoned wells, and investigate contamination.
- The TCEQ, the TWDB, and the High Plains UWCD are coordinating to monitor atrazine and other constituents in the groundwater.
- Office of the Texas State Chemist, Feed & Fertilizer Control Service regulates animal feed for the state. They monitor the atrazine levels used in blends of fertilizer/pesticide. The distributors and manufacturers must ensure they do not over-formulate their blends.
- The LCRA is conducting Salt Cedar eradication education workshops for communities. In addition, they are funding the development of a regional groundwater plan for Hays/Travis counties. In the past, they were involved in a nitrate study with the city of Bastrop whose water source is 100% groundwater.
- The TCE is involved in many groundwater projects to evaluate and provide education programs on BMPs, waste management, agricultural chemicals, production facilities, drinking water systems, abandoned water-well plugging, pesticide application for homeowners, and installing waste water systems for homeowners.

Kevin Wagner stated that the Task Force has been asked to make recommendations regarding groundwater issues for the TGPC to present to the legislature. The items that have been presented thus far are to improve irrigation systems, brush control, and well plugging.

Legislative Report Subcommittee - Frank Fuller, TCEQ. The Legislative Report Subcommittee met July 8, 2004. The meeting centered on a discussion of possible legislative issues to present to the Committee at its next meeting scheduled for August

19, 2004. Brief summaries of the issues were to be developed by volunteers. These topics will be discussed in detail in the Business portion of the meeting.

No further meetings of the Subcommittee were scheduled. It was recommended that information for TCEQ Supplemental Environmental Project Program funding be presented to the Committee.

The Legislative Report will be discussed in the Business portion of the meeting.

III. Presentation

Overview of the TCEQ's Supplemental Environmental Projects (SEPs) Program - Katherine Hodgins (TCEQ), presented an overview of the Supplemental Environmental Projects (SEPs) program. SEPs are part of the settlement process for the environmental enforcement actions TCEQ must take and can provide a positive way to resolve such actions. SEPs give violators an opportunity to offset a portion of an assessed monetary penalty by doing an environmental enhancement project in, or near the community where the violation occurred.

To be acceptable, an SEP must include the following elements:

- the project must be environmentally beneficial;
- the project must be in conjunction with the settlement of an enforcement action;
- the project must go beyond what is required for compliance with the law;
- the project must meet state, regional, or community environmental priorities;
- the project must be done in or near the community where the violation occurred;
- there must be a connection between the media (air, water, or waste) in which the violation occurred and the media of the SEP.

This program is under review by the TCEQ and changes are expected in the near future.

To obtain additional information or assistance regarding this program, call 512/239-3400 or visit www.tceq.state.tx.us/legal/sep/index.html .

IV. Business - Discussion & Possible Action

TGPC Report to the 79th Legislature, 2005 - Discussion of Committee Activities and Potential Legislative Recommendations - Frank Fuller and Steve Musick, TCEQ. The Legislative Report Subcommittee met July 8, 2004. A record of the meeting was presented to the Committee (Handout No. 5). The meeting centered on a discussion of possible legislative issues to present to the Committee. A draft Table of Contents of the *Report to the 79th Legislature -Activities of the Texas Groundwater Protection Committee* was presented to the Committee for approval. The Table of Contents is essentially unchanged from the last report. Allan Jones, TAES, entered a motion to approve the draft Table of Contents as presented, the motion was seconded by Leslie Savage, RCT. The motion carried unanimously.

Committee members will update the discussions of their individual agencies for inclusion into the Report to the Legislature.

Both Kevin Wagner, TSSWCB, and Mary Ambrose, Chair, offered comments clarifying the listing of subcommittees and the reports of their activities.

Brief summaries of the issues were to be developed by volunteers for presentation to the Committee.

The Report to the Legislature will also include information regarding the Committee's new rules.

The only other significant change is the focus from the development of the groundwater strategy to its implementation.

Texas Groundwater Protection Strategy - Discuss Strategy Implementation Issues - Frank Fuller, TCEQ. Implementation is ongoing with the efforts of the subcommittees.

Set Future Meeting Dates (This item was taken out of order)

Next meeting: October 21, 2004, 1:30 p.m., room #2210, building F, TCEQ Campus.

V. Information Exchange for Groundwater Related Activities/Status Update

Ken Ofunrein, TDH, announced to the Committee that as of September 1, 2004 the TDH's name would be changed to the Department of State Health Services.

Status - Water Quality Inventory ("305(b)") Report -2004. Cary Betz, TCEQ. The state's biennial Water Quality Inventory or 305(b) report continues as a work in progress. Presently, late October is the tentative date for the completion of this report. TCEQ staff is working on the groundwater portion of this report, and instead of presenting the overall water quality of the state's major and minor aquifers, the revised groundwater portion will highlight those areas of the state where constituents of concern are present in the aquifer in concentrations near or above the MCL for drinking water. In addition to the TWDB's ambient water quality monitoring data, staff will include water quality monitoring from the TCEQ's public drinking water program. The report will feature enhanced GIS-based graphics.

Status - State NPS Management Plan Development - Kevin Wagner, TSSWCB. Funding for the state's NPS Management Plan will expire soon. Work continues on the Plan, toward submission in January, 2005. Comments from EPA and previous stakeholders' meetings are being addressed. The next stakeholders' meeting is tentatively planned for mid to late November.

Regional Water Planning Update - Texas Water Development Board. Janie Hopkins,

TWDB. The TWDB is in the process of evaluating regional water supplies.

Groundwater Availability Modeling Update - Texas Water Development Board.

Janie Hopkins, TWDB. All ten of the GAMs are on schedule to be sent to their respective/interested GCDs, RWPGs, and river authorities before the October 1, 2004, due date. Some of them are being revised by the TWDB and the rest by consultants.

HB 3030 (Notification of Groundwater Contamination) - Steve Musick, TCEQ.

Internal procedures for processing notifications of groundwater contamination have been briefed to TCEQ management for approval.

Status - *Joint Groundwater Monitoring and Contamination Report - 2003* - Cary Betz, TCEQ. The *Joint Groundwater Monitoring and Contamination Report - 2003* went to in-house review last week and the deadline ended yesterday, August 18, 2004. The Report is scheduled to go to the print shop next Monday, August 23, 2004.

Update - National Water Quality Monitoring Council - Mary Ambrose, Chair, presented a summary of the key issues of the National Water Quality Monitoring Council which met in Ann Arbor, Michigan, July 19-23, 2004. General Accounting Office (GAO) Report to the Subcommittee on Water Resources and Environment titled "Water Management: Better Coordination of Data Collection Efforts Needed to Support Key Decisions"– <http://www.gao.gov/new.items/d04382.pdf>. For water quality data collection, many barriers were identified as impeding better coordination at the federal and state level. GAO concluded that designating a lead organization with sufficient authority and resource to coordinate data collection could help alleviate these problems. This organization should have the responsibility to support the development and continued operation of regional and state monitoring councils. The use of local state councils, such as the Texas Water Monitoring Council, to implement the GAO Report recommendation was emphasized.

EPA and USGS are proposing to conduct a collaborative demonstration project to find opportunities to better support States in the implementation of the Clean Water Act and Safe Drinking Water Act responsibilities. They are looking to focus on finding innovative approaches that use available monitoring and assessment tools in a more strategic, integrated, and streamlined way to cost-effectively support all decisions required.

VI. Announcements (All Members)

Rules Update - A summary of the TCEQ rule tracking log was distributed to members. There are nine rules summarized in the tracking log that bear interest to the Committee. Questions concerning a specific rule should be directed to the Project Manager listed beside the rule.

Lee Parham, TDLR. The Texas Department of Licensing and Regulation adopts

amendments to existing rules at 16 Texas Administrative Code (TAC), concerning the water well drillers and water will pump installers program. Administrative fees and licensing fees were revised to be effective October 1, 2004.

New Publications

There were no new publications announced.

Upcoming Conferences

Texas Water Monitoring Congress - September 15-17, 2004, Austin, Texas

Ground Water Protection Council - 2004 Annual Forum - September 18-22, 2004, Charleston, South Carolina

Association of State Drinking Water Administrators - 19th Annual Conference - October 3-7, 2004, Austin, Texas

CAFO Roundtable (ASIWPCA) - October 6-8, 2004, San Antonio, Texas

Texas Water Conservation Association - October 14-15, 2004, San Antonio, Texas

DESALINATION Conference 2004 El Paso-Managing Concentrate in the Desert (EPWU) - October 21-22, 2004, El Paso, Texas

Texas Groundwater 2004 - November 18-19, 2004, Austin, Texas

High Plains Groundwater Resources: Challenges and Opportunities - December 7-9, 2004, Lubbock Texas

VII. Public Comment

EPA Region VI - 14th Annual Quality Assurance Conference - October 18-22, 2004, Dallas, Texas

VIII. Adjourn

Chair, Mary Ambrose, adjourned the meeting at approximately 3:02 P. M., CDT.